

Message Text

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43

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DRAFTED BY SCI/SAM:WGBASTEDO:BAJ

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FM SECSTATE WASHDC

TO AMEMBASSY COPENHAGEN

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E.O. 11652 N/A

TAGS: TSPA, DA

SUBJ: PROPOSED NASA/DSRI COOPERATIVE SOUNDING ROCKET
PROGRAM

1. NASA PROPOSES ENTERING INTO AN AGREEMENT WITH THE DANISH SPACE RESEARCH INSTITUTE (DSRI) TO CONDUCT A SERIES PARTICLES AND FIELDS INVESTIGATIONS IN THE SO-CALLED POLAR CUSP REGION OF THE IONOSPHERE. LAUNCHES WITH NIKE-TOMAHAWK ROCKETS WILL BE FLOWN FROM THE DANISH METEOROLOGICAL INSTITUTES ROCKET RANGE AT SONDE STROMFJORD, GREENLAND IN MAY OR JUNE OF 1974. THE PROPOSED AGREEMENT WILL BE CONCLUDED BY MEANS OF A MEMORANDUM OF UNDERSTANDING (MOU) TO BE SIGNED BY REPRESENTATIVES OF THE TWO AGENCIES. THE COMPLETE DRAFT TEXT IS BEING POUCHED SEPARATELY.

2. INCLUDED IN THE PROPOSED MOU IS A PROVISION PERTAINING TO LIABILITY THAT READS AS FOLLOWS: QUOTE THE DSRI AND NASA SHALL BEAR FULL RESPONSIBILITY FOR ANY DAMAGE TO THEIR RESPECTIVE NATIONALS IN THE COURSE OF THIS
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COOPERATIVE PROJECT. IN THE EVENT OF DAMAGE TO NATIONALS

OF COUNTRIES WHICH ARE NOT PARTIES TO THIS COOPERATIVE AGREEMENT, FOR WHICH DAMAGE THERE IS LIABILITY UNDER THE PRINCIPLES OF INTERNATIONAL LAW OR OF THE CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS, THE DSRI AND NASA AGREE TO CONSULT PROMPTLY

ON AN EQUITABLE SHARING OF THE PAYMENTS FOR ANY SETTLEMENT INVOLVED. IF AGREEMENT IS NOT REACHED WITHIN 180 DAYS, THE TWO AGENCIES WILL ACT PROMPTLY TO ARRANGE FOR EARLY ARBITRATION TO SETTLE THE SHARING OF SUCH CLAIMS FOLLOWING THE 1958 RULES ON ARBITRAL PROCEDURE OF THE INTERNATIONAL LAW COMMISSION. UNQUOTE

3. DEPARTMENT NEEDS ASSURANCE THAT DSRI IS AUTHORIZED BY GOD TO COMMIT ITS GOVERNMENT TO PROVISIONS OF THE ABOVE QUOTED LIABILITY CLAUSE. POST IS REQUESTED TO ASK FOR AND REPORT SUCH ASSURANCES IN ANY MANNER CONSIDERED BY POST AS REPRESENTING GOVERNMENT BACKING OF COMMITMENT MADE BY DSRI IN PROPOSED MOU LIABILITY PROVISION. AS YOU MAY RECALL, DEPARTMENT ASKED FOR SIMILAR ASSURANCES REGARDING DFS IN SEP 72.

4. IF DSRI IS NOT AUTHORIZED TO SPEAK FOR GOD IN AGREEING TO LIABILITY PROVISION, EMBASSY SHOULD PROPOSE TO GOD THAT CONTEMPORANEOUS WITH SIGNING OF MOU THAT MOU BE CONFIRMED BY EXCHANGE OF DIPLOMATIC NOTES BETWEEN EMBASSY AND GOD. TEXT AND AUTHORIZATION FOR SUCH AN EMBASSY NOTE WILL BE FORWARDED IF SITUATION SO DICTATES.

5. ADVISE SOONEST AS SHIPMENTS OF ROCKETS AND OTHER MATERIALS DESIRED BY SEP 73. ROGERS

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